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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ____ DEPUTY

'08 MJ 2231

UNITED STATES OF AMERICA,	Magistrate Case No.
Plaintiff,	
v.	COMPLAINT FOR VIOLATION OF:
Miguel Angel RUIZ-Mata,	Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens
Defendant(s)	

The undersigned complainant, being duly sworn, states:

On or about **July 21, 2008,** within the Southern District of California, defendant **Miguel Angel RUIZ-Mata** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that alien, namely, **Jesus GUZMAN-Gallardo**, came to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF **JULY 2008.**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Miguel Angel RUIZ-Mata

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Jesus GUZMAN-Gallardo,** is a citizen of a country other than the United States; that said alien has admitted that he is deportable; that his testimony is material, that it is impracticable to secure his attendance at the trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 21, 2008, Border Patrol Agents were conducting assigned duties in the Brown Field station State Route (SR) 94 Immigration checkpoint area of operations. Agents were working in plain-clothes and utilizing unmarked DHS vehicles.

At approximately 7:45 a.m., Agent L. Gutierrez was traveling northbound on Honey Springs Road near Deerhorn Valley Road when he observed a white Honda Civic and a black BMW sedans heading southbound on Honey Springs Rd. in tandem. Agent Gutierrez observed that both vehicles were lifted in the rear higher than that of the normal vehicles of the same make and model. It is a common tactic with load vehicles to have their suspensions modified so that they could give the appearance to law enforcement officers that they are riding at stock height after they are heavily laden with their illicit cargo. Agent Gutierrez radioed his observations to other Agents and also advised them of the direction of travel taken by both suspect vehicles.

After approximately 15 minutes, Agents received a radio transmission from a San Diego County Sheriff Deputy needing assistance with a vehicle he had stopped on Deerhorn Valley Rd. and Wide Oak Rd. Agent Gutierrez was in the area looking for the two suspect vehicles and was able to respond to the Deputy's location. Once Agent Gutierrez arrived where the Deputy had stopped the vehicle, he noticed that is was the same white Honda Civic he had observed earlier. Agent Gutierrez observed several children outside the vehicle and two subjects in the Deputy's marked vehicle. As Agent Gutierrez approached he identified himself to the children and the Deputy as a United States Border Patrol Agent. Deputy D. Weisner briefly explained to Agent Gutierrez that he had conducted a vehicle stop of the vehicle after a citizen reported that 2 suspicious vehicles, one black and the other white, were driving in the area for the past 2 days. This area where the Deputy observed the Honda and the BMW, is very rural with only a few homes situated on this unpaved road. This area is frequently used to load illegal aliens into vehicles.

Deputy Weisner explained to Agent Gutierrez that he approached the Honda and later observed two small children hiding behind the front seats. Believing that a smuggling event was taking place and due to the hot 85 degree weather, Deputy Weisner opened up the trunk and found three more children in the trunk. Deputy Weisner removed them from the trunk and put them under some shade to cool them down. Deputy Weisner advised Agent Gutierrez that he had also observed the black BMW following the white Honda closely but was unable to stop that vehicle. Agent Gutierrez relayed the information to other Agents and after a thorough search of the immediate area they were unable to locate the BMW.

Agent Gutierrez approached the children and identified himself once more and asked them where their parents were. One of them stated to Agent Gutierrez that their parents were all in Mexico. Agent Gutierrez then questioned them as to their citizenship to which they all stated Mexico. None of the children had any documents allowing them to be in or remain in the United States legally. Agent Gutierrez approached the two subjects in the Deputy's vehicle and also identified himself to them. The driver, later identified as the defendant **Miguel Angel RUIZ-Mata**, stated that he was a citizen and national of Mexico without proper documentation to be or remain in the United States legally.

CONTINUATION OF COMPLAINT:
Miguel Angel RUIZ-Mata

The other subject that was sitting in the passenger seat according to Deputy Weisner was later identified as Jesus GUZMAN-Gallardo. GUZMAN also stated that he is a citizen and national of Mexico without proper documentation allowing him to be or remain in the United States legally. At approximately 8:15 a.m., all subjects were arrested and transported to the Chula Vista station for processing.

DEFENDANT STATEMENT:

The defendant **Miguel Angel RUIZ-Mata** was advised of his Miranda rights and he was willing to make a statement without a lawyer present. RUIZ admitted to being a citizen of Mexico and that he has never had nor possessed any documents allowing him to be or remain in the United States legally. RUIZ admitted that he was arrested two years ago for smuggling aliens.

RUIZ stated that he was called this morning at approximately 7:00 a.m. by an associate, who lives near Rex Street in San Diego, California, about picking up some illegal aliens. The associate told RUIZ that all he needed to do was follow a black BMW to the location. RUIZ stated that he went to a 7/11 convenience store on University Avenue in San Diego, California to pick up the Honda he was to use. RUIZ stated that he knows the name of the driver of the BMW and that he lives near Rex Street also. RUIZ admitted that he was to be paid $100.00 USD per alien.

RUIZ stated that he followed the BMW to a dirt road where they picked up the people. RUIZ claims the passenger, Jesus GUZMAN-Gallardo, put the children in the trunk. RUIZ stated that he did not know GUZMAN. RUIZ admitted that he knew what he was doing was illegal.

MATERIAL WITNESS STATEMENT:

Material Witness **Jesus GUZMAN-Gallardo,** stated that he is a citizen and national of Mexico illegally present in the United States without any immigration documents allowing him to be in the United States legally. Material Witness Guzman-Gallardo stated that he made arrangements and his mother was to pay $1600.00 U.S. to in order for him to be smuggled to Los Angeles,California.

Material witness GUZMAN-Gallardo was shown a photographic line-up and was able to identify the defendant **Miguel Angel RUIZ-Mata,** as the driver..